

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

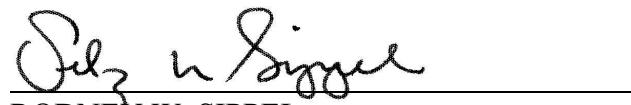
EDWARD BROWN, JR., )  
                          )  
Plaintiff,            )  
                          )  
vs.                    )           Case No. 4:14 CV 300 RWS  
                          )  
                          )  
DAVID HOWE, et al., )  
                          )  
Defendants.           )

**MEMORANDUM AND ORDER**

This matter is before me on plaintiff's motion to compel. Plaintiff seeks a copy of his deposition transcript to respond to summary judgment. The motion will be denied, as it is untimely under the case management order and there is no summary judgment motion pending. However, for the convenience of the Court, if defendants should file a motion for summary judgment then they must also file a complete copy of plaintiff's deposition as an exhibit to summary judgment (whether or not it is referred to in defendants' motion papers) and serve a copy on plaintiff together with all summary judgment materials. In addition, if defendants' motion cites any other deposition testimony, a complete copy of that transcript shall also be filed with the Court and served on plaintiff.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion to compel [#35] is denied.

  
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RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 20th day of January, 2015.